

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

COORS BREWING  
COMPANY,

Opposer,

v.

ANHEUSER-BUSCH,  
INCORPORATED

Applicant.

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Opposition No. 90,158

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
IS BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST CLASS MAIL IN AN  
ENVELOPE ADDRESSED TO BOX TTAB/ NO FEE,  
COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL  
DRIVE, ARLINGTON, VIRGINIA 22202-3513 ON  
FEBRUARY 4, 2003.

*[Signature]*

ATTN: Administrative Trademark Judge Rogers

Box: TTAB NO FEE

Commissioner for Trademarks

2900 Crystal Drive

Arlington, Virginia 22202

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RESPONSE

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Opposer, Coors Brewing Company, respectfully responds to Judge Rogers' order dated January 7, 2003 as follows.

**I. JUDGMENT SHOULD NOT BE ENTERED AGAINST OPPOSER ON THE  
COUNTERCLAIM REGARDING REGISTRATION NO. 654,931**

Judgment should not be entered against Opposer on the counterclaim regarding Reg. No. 654,931 for "BREWED WITH PURE ROCKY MOUNTAIN SPRING WATER" because Opposer:

would have filed a consented surrender for cancellation in regard to this registration had the registration been active at the time Opposer and Applicant entered a settlement agreement.

The time line of the proceedings regarding Reg. No. 654,931 are as follows:

November 1992 - Opposer filed opposition against Applicant's Serial No. 74/248,452

March 1993 - Applicant filed counterclaim to cancel Opposer's Reg. No. 654,931.

November 19, 1997 - Opposer's Reg. No. 654,931 was due for renewal. Registration was not renewed.

April 1998 - Applicant and Opposer entered settlement agreement, in which Opposer agreed to surrender for cancellation Reg. No. 654,931 and Applicant agreed to consent to the cancellation.

As such, Applicant and Opposer agreed, in April 1998, that Opposer would surrender for cancellation Reg. No. 654,931, with Applicant's consent, which would result in a cancellation of the registration without prejudice. No such surrender document was filed by Opposer, because, in April 1998, Reg. No. 654,931 had expired for a failure to file a Sec. 9. Thus the surrender with consent was not filed because the point became moot when the registration was not renewed. Since the registration was not renewed, the terms of the settlement agreement were effectively met, since the registration was no longer active, and was effectively cancelled without prejudice.

In view of the above, Opposer respectfully requests that judgment not be entered against Opposer on the counterclaim regarding Reg. No. 654,931.

**II. THE COUNTERCLAIMS IN REGARD TO REGISTRATION NOS. 1,202,255 AND 1,282,740 SHOULD NOT BE DISMISSED WITHOUT PREJUDICE**

The counterclaims in regard to Registration Nos. 1,202,255 and 1,282,740 should not be dismissed without prejudice, because these two registrations were surrendered for cancellation by Opposer with Applicant's consent. As requested by Judge Rogers, Opposer encloses herewith copies of the surrender documents regarding these two registrations, consented to by Richard Lehv, Esq., attorney for Applicant. As such, since these registrations were surrendered for cancellation by Opposer with Applicant's consent, which results in the cancellation of the registrations without prejudice, the counterclaims in regard to these registrations should be dismissed with prejudice.

Opposer advised the U.S. Patent and Trademark Office of its new address on several occasions after it moved in 1999. In the future, Opposer's counsel will advise the TTAB directly. Similarly, Opposer will also submit surrenders for cancellation directly to the TTAB in the future.

Please feel free to contact the undersigned with any questions.

Respectfully submitted,

Date: 2/4/03

By: 

Sabrina C. Stavish  
Miriam D. Trudell  
SHERIDAN ROSS P.C.  
1560 Broadway, Suite 1200  
Denver, CO 80202-5141  
(303) 863-9700

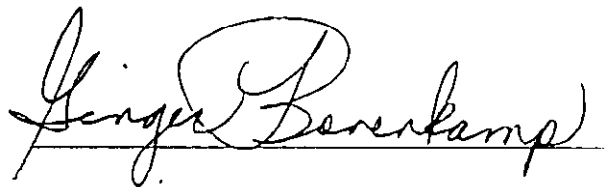
ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **RESPONSE** was placed in the U.S. Mail, First Class postage prepaid, on February 4, 2003 addressed to:

Richard Lehv, Esq.  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, New York 10017

Douglas N. Masters, Esq.  
Pattishall, McAuliffe, Newbury et. al.  
311 South Wacker Dr., Suite 5000  
Chicago, IL 60606

A handwritten signature in cursive script, reading "Ginger Berenkamp", written over a horizontal line.

J:\4060\CB\29\29\1\ttab response.wpd

## TRADEMARK

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Coors Brewing Company

Registration No.: 1,202,255

Registered: 07/20/82

For: "COORS PURE ROCKY MOUNTAIN  
SPRING WATER (Stylized)"SURRENDER OF REGISTRATION FOR  
CANCELLATION PURSUANT TO  
37 C.F.R. § 2.172

## CERTIFICATE OF MAILING

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ADDRESSED TO ASSISTANT COMMISSIONER FOR  
TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON,  
VIRGINIA 22202-3513 ON THIS 7 DAY OF Aug, 1998  
SHERIDAN-ROSS P.C.

BY: PROB. CLERK, GOVERNMENT - 2419 PC

Box Post Reg No Fee  
Assistant Commissioner  
for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dear Sir:

Pursuant to 37 C.F.R. §2.172, Registrant hereby surrenders the above-referenced trademark registration, Registration No. 1,202,255 for "COORS PURE ROCKY MOUNTAIN SPRING WATER (Stylized)", without prejudice and with the consent of Anheuser-Busch Companies, Inc., which has sought cancellation of this registration. The original registration certificate has been lost.

Respectfully submitted,

COORS BREWING COMPANY

Dated: August 14, 1998

By:

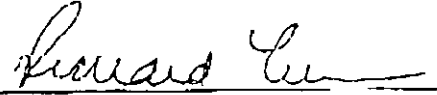
Patti L. Zenk  
Patti L. Zenk, Esquire  
Assistant General Counsel for Applicant  
NH335  
P.O. Box 4030  
Golden, Colorado 80401-1295

CONSENTED TO:

Dated: New York, New York  
October 7, 1998

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:



Richard Lehy

633 Third Avenue  
New York, New York 10017  
(212) 953-9090

Attorneys for Anheuser-Busch Companies, Inc.

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TRADEMARK

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

Coors Brewing Company

Registration No.: 1,282,740

Registered: 06/19/84

For: "THE BEST OF THE ROCKIES  
IS HERE"SURRENDER OF REGISTRATION FOR  
CANCELLATION PURSUANT TO 37  
C.F.R. § 2.172Box Post Reg No Fee  
Assistant Commissioner  
for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Dear Sir:

Pursuant to 37 C.F.R. §2.172, Registrant hereby surrenders the above-referenced trademark registration, Registration No. 1,282,740 for "THE BEST OF THE ROCKIES IS HERE", without prejudice and with the consent of Anheuser-Busch Companies, Inc., which has sought cancellation of this registration. The original registration certificate has been lost.

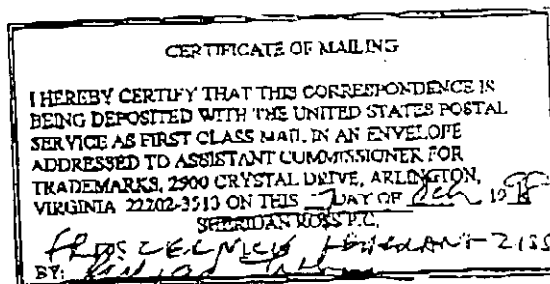
Respectfully submitted,

COORS BREWING COMPANY

Dated: August 14, 1998

By:

*Pat L. Zenk*  
Pat L. Zenk, Esquire  
Assistant General Counsel for Applicant  
NH335  
P.O. Box 4030  
Golden, Colorado 80401-1295



\*\*\* TOTAL PAGE.05 \*\*\*

CONSENTED TO:

Dated: New York, New York  
October 7, 1998

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: Richard Lehy  
Richard Lehy

633 Third Avenue  
New York, New York 10017  
(212) 953-9020

Attorneys for Anheuser-Busch Companies, Inc.

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Initial: GIB

PTO Stamp indicates receipt of:

Application Docket No.: 4060CB-29-29-1a

☐ Patent Matter

Date February 4, 2003

☒ Trademark Matter

Applicant:

COORS BREWING COMPANY

Title or Mark: "KING OF THE ROCKIES"

Serial/Reg. No.: 74/248,452

Filed/Issued Date:

☒ Certificate of Mailing☐ Express Mail No.:☐ Check for \$LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

RESPONSE

COPIES OF SURRENDER DOCUMENTS

\_\_\_\_ No. of Pages in Specification  
 \_\_\_\_ No. of Pages in Claims  
 \_\_\_\_ No. of Sheets of Drawings

Date February 4, 2003

Initial: GIB

PTO Stamp indicates receipt of:

Application Docket No.: 4060CB-29-29-1a

☐ Patent Matter☒ Trademark Matter

Applicant:

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Title or Mark: "KING OF THE ROCKIES"

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Filed/Issued Date:

☒ Certificate of Mailing☐ Express Mail No.:☐ Check for \$LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

RESPONSE

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FEB 18 2003

SHERIDAN, ROSS



02-07-2003

U.S. Patent &amp; TMO/CTM Mail Rpt DL #7C

\_\_\_\_ No. of Pages in Specification  
 \_\_\_\_ No. of Pages in Claims  
 \_\_\_\_ No. of Sheets of Drawings

## SHERIDAN ROSS

A Professional Corporation

ATTORNEYS AND COUNSELORS AT LAW

1560 BROADWAY

SUITE 1200

DENVER, COLORADO 80202-5141

TELEPHONE (303) 863-9700

FACSIMILE (303) 863-0223

E-MAIL srlaw@sherdanross.com

PATENTS  
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1910 - 1986OF COUNSEL  
PHILIP H. SHERIDAN  
CRAIG C. GROSETECHNICAL SPECIALISTS  
DENNIS J. DUPRAY  
ANGELA DALLAS SMITHDAVID F. ZINGER  
TODD P. BLAKELY  
GARY J. CONNELL  
SABRINA C. STAVISH  
JOSEPH E. KOVARIK  
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ROBERT D. TRAVER, Ph.D.  
CHRISTOPHER J. HUSSIN  
MARK L. YASKANTIN  
MARY BREEN SMITH  
CRAIG W. MUELLER  
PAUL S. CHA

## FACSIMILE COVER SHEET

Time: \_\_\_\_\_

Date: 2/5/04

Please deliver the following page(s) to:

Name: Judge Gerard RogersFacsimile No. 703-308-9333Our File No. 9060CB-29-29-1Your File No. Oppos. No. 90158Total No. Pgs., incl. cover 10SPECIAL INSTRUCTIONS: Here is Feb. 4, 2003  
response. Let me know if you need  
anything else. MIRIAMSender's Name: MIRIAM TRUDELLOriginal Documents Will ☒ Will Not Follow by mail

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